

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, DECEMBER 22, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas and Anthony W. Cobos. Absent: Daniel S. Power. Late Arrival: Paul J. Escobar arrived at 9:14 a.m. Meeting was called to order 9:04 a.m. and the invocation was given by Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken regarding the presentation of award to Ms. Nikki Gomez, recognized by the Texas Amateur Athletic Federation as the Region 17 Female Athlete of the Year, and to Mr. Bobby Thomas, recognized by the Texas Amateur Athletic Federation as the Region 17 Male Athlete of the Year.
[Parks & Recreation Department, Paula Powell, (915) 534-0254]

Ms. Powell introduced Ms. Gomez and provided background regarding Ms. Gomez's athletic accomplishments.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Mr. Guillermo Glenn, Border Workers Association representing Media Copy Displaced Workers' Committee, speaking on the postponement of item 23 on the agenda - An Ordinance creating Tax Increment Financing District Number Four (No. 4), City of El Paso (50 acre site on the Southeast corner of Viscount and Hawkins Blvd.); making Findings Of Fact concerning the conditions of blight, residential property and assessed valuation within said District; creating a Tax Increment District Board of Directors and defining the powers, duties and terms of office thereof; providing for submission of a plan of improvements for said District; providing for duties of the Tax Assessor; setting the boundaries for said District; and providing a Severability Clause - requested that the City Council contact the Texas Workforce Commission in Austin, Texas, in order that funding for recently displaced workers be allocated.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of December 17, and December 23, 2002; January 2, December 9 and December 16, 2003.

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*Motion made, seconded and unanimously carried to excuse Representative Daniel S. Power from the Regular City Council Meeting of Monday, December 22, 2003.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to Concession Agreement between the City of El Paso and Interspace Airport Advertising to allow the replacement of some advertisement boards with electronic video monitors and installation of two (2) brochure racks; to lease storage area in the terminal basement and set the rental amount; and to exercise the City's option to extend the Concession Agreement for an additional term of five years commencing July 15, 2004 and ending July 14, 2009.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Seventh Amendment to State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped; and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on December 12, 2003, by Juan A. Bernal for a Block Party; to-wit, a Rosario a la Virgen, Matachines, at the Block off the cul-de-sac in the 6200 Block of Otter Court, beginning at 3:00 p.m. and continuing until 10:00 p.m., on Saturday, December 13, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on December 11, 2003, by Guadalupe De La Cruz for a Block Party; to-wit, a Matachines, at the 3300 Block of Bisbee, between Luna and Grama, beginning at 1:00 p.m. and continuing until 4:00 p.m., on Friday, December 12, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on December 15, 2003, by Maria I. Rodriguez for a Block Party; to-wit, Matachines, beginning at 4:00 p.m and continuing until 7:00 p.m., at the block off the 5600 Block of Edinburg between McCombs and Alcan, on Saturday, December 20, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and EVANGELINA LOPEZ for the purchase of The Westerly 75 Feet of Lot 1, Block 26, WOODLAWN, El Paso, El Paso County, Texas, also known as 200 Gateway Boulevard North to be used for the purpose of completing the El Paso Zoo Expansion Project.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City staff be authorized to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute a Contract of Sale between the City of El Paso and Danielson Partners, LTD for the purchase of Lot 61, Block 579, Vista Del Sol Unit 160, El Paso, El Paso County Texas, for a total cost not to exceed \$550,000.00 Dollars, for the purpose of a park site; and further, that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Representative Lozano questioned the funding amount.

Ms. Patricia Aauto, Deputy CAO for Building and Planning Services, explained that the money was to acquire land for the Rancho Del Sol Quality of Life bond project.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO AN AREA ALONG THE U.S./MEXICO BORDER LOCATED IN EAST-CENTRAL EL PASO NEAR FONSECA AND BORDER HIGHWAY (LOOP 375) IN A PORTION OF U.S. GOVERNMENT PARCEL NO. 3/ASCARATE PARK, EL PASO COUNTY, TEXAS.

WHEREAS, March 26, 2003, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead electrical easement for the purpose of providing electrical service to provide the U.S. Border Patrol with adequate power for flood lights to be placed along the U.S./Mexico border located in east-central El Paso near Fonseca and Border Highway (Loop 375) in a portion of U.S. Government Parcel No. 3/Ascarate Park, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement for service to land in a portion of U.S. Government Parcel No. 3/Ascarate Park, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

*RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND TWO TRANSFORMER EASEMENTS TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO WELLS 311 AND 119 IN WEST EL PASO LOCATED NORTH OF VINTON ROAD IN A PORTION OF TRACT 9B, BLOCK 20, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and two transformer easements for service to land in a portion of Tract 9B, Block 20, Upper Valley Surveys, El Paso County, Texas; NOW THEREFORE,

The Mayor is hereby authorized to sign a document granting an underground electrical easement and two transformer easements for the purpose of providing electrical service to Wells 311 & 119 in west El Paso located north of Vinton Road in a portion of Tract 9B, Block 20, Upper Valley Surveys, El Paso County, Texas.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT AND TWO ANCHOR EASEMENTS TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO WELL 516 IN NORTHEAST EL PASO LOCATED AT 9641 RAILROAD DRIVE WHICH IS NORTH OF THREADGILL IN A PORTION OF TRACT 3B, SECTION 43, BLOCK 80, TOWNSHIP 1, EL PASO COUNTY, TEXAS.

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement and two anchor easements for service to land in a portion of Tract 3B, Section 43, Block 80, Township 1, El Paso County, Texas; NOW THEREFORE,

The Mayor is hereby authorized to sign a document granting an overhead electrical easement and two anchor easements for the purpose of providing electrical service to Well 516 located in northeast El Paso at 9641 Railroad Drive which is north of Threadgill in a portion of Tract 3B, Section 43, Block 80, Township 1, El Paso County, Texas.

***R E S O L U T I O N**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO WELL 116A IN WEST EL PASO LOCATED NORTH OF RIVER VIEW ESTATES SUBDIVISION NEAR BOSQUE ROAD IN A PORTION OF TRACT 13, BLOCK 19, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, December 10, 2003, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground electrical easement (10'x116') and one transformer easement (12' x 16') for the purpose of providing electrical service to Well 116A in west El Paso located north of River View Estates Subdivision near Bosque Road in a portion of Tract 13, Block 19, Upper Valley Surveys, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and one transformer easement for service to land in a portion of Tract 13, Block 19, Upper Valley Surveys, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Well 116A in west El Paso located north of River View Estates Subdivision near Bosque Road in a portion of Tract 13, Block 19, Upper Valley Surveys, El Paso County, Texas.

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***R E S O L U T I O N**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF REPLACING ELECTRICAL SERVICE TO WELL 69 IN EAST EL PASO LOCATED ON CANDLEWOOD BETWEEN SUMAC AND LONEWOOD IN A PORTION OF TRACT 4A-2A, BLOCK 1, ASCARATE GRANT, EL PASO COUNTY, TEXAS.

WHEREAS, December 10, 2003, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant one transformer easement (12' x 16') for the purpose of replacing electrical service to Well 69 in east El Paso located on Candlewood between Sumac and Lonewood in a portion of Tract 4A-2A, Block 1, Ascarate Grant, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant one transformer electrical easement to replace service to land in a portion of Tract 4A-2A, Block 1, Ascarate Grant, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting one transformer easement for the purpose of replacing electrical service to Well 69 in east El Paso located on Candlewood between Sumac and Lonewood in a portion of Tract 4A-2A, Block 1, Ascarate Grant, El Paso County, Texas.

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***R E S O L U T I O N**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT, AN UNDERGROUND ELECTRICAL EASEMENT, AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO WELL 310 IN WEST EL PASO LOCATED SOUTH OF VINTON ROAD AND ADJACENT TO THE RIVER LEVEE IN A PORTION OF TRACT 3, BLOCK 19, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, December 10, 2003, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead (10'x42' and 10'x318') electrical easement, an underground electrical easement (10'x90'), and one transformer easement (12' x 16') for the purpose of providing electrical service to Well 310 in west El Paso located south of Vinton Road and adjacent to the river levee in a portion of Tract 3, Block 19, Upper Valley Surveys, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement, an underground electrical easement, and one transformer easement for service to land in a portion of Tract 3, Block 19, Upper Valley Surveys, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead electrical easement, an underground electrical easement, and one transformer easement for the purpose of providing electrical service to Well 310 in west El Paso located south of Vinton Road and adjacent to the river levee in a portion of Tract 3, Block 19, Upper Valley Surveys, El Paso County, Texas.

*RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO NEW CITY FACILITIES IN WEST EL PASO LOCATED NEAR DONIPHAN DRIVE AND ATLANTIC ROAD IN A PORTION OF SAMUEL A. MAVERICK SURVEY #174, EL PASO COUNTY, TEXAS.

WHEREAS, November 13, 2002, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead (10' wide) electrical easement for a 3 phase overhead service for the purpose of providing electrical service to new city facilities located in west El Paso near Doniphan Drive and Atlantic Road in a portion of Samuel A. Maverick Survey #174, El Paso County, Texas. The new buildings will be used by the Solid Waste Dept., City Parks & Recreation, City Streets & Fleet Services; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement for service to new buildings in a portion of Samuel A. Maverick Survey #174, El Paso County, Texas: NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a document granting an overhead electrical easement for a 3 phase overhead service for the purpose of providing electrical service to new buildings located in west El Paso near Doniphan Drive and Atlantic Road in a portion of Samuel A. Maverick Survey #174, El Paso County, Texas.

*MAYOR'S APPOINTMENT OF ELECTION OFFICIALS

THE STATE OF TEXAS)
COUNTY OF EL PASO)

For the purpose of conducting and holding a Special Election for the submission of proposed Charter amendments and general obligation bonds in the City of El Paso, on February 7, 2004, the following election officials are hereby appointed.

I. The persons named in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for the early voting station and the branch offices for early voting in the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election, his or her Alternate Presiding Judge shall serve as Presiding Judge.

2. The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$75,072.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department's Victim Services Response Team.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

Lot: 5, Block 8, Cedar Grove Park Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 6, Page 28, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Juan Flores and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of January, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7245 Barker Road, in El Paso, Texas, which property is more particularly described as:

Tract: 15B1A, Block 24, Ysleta Grant

According to the real property records of the County of El Paso, Texas, Aurora Loan Services, Inc., ATTN: Claims Department, P. O. Box 1706, Scottsbluff, NE 69363-1706, is listed as the Owner of the real property described herein.

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20th day of January, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 700 E. Third Avenue AKA 502 S. Florence Street, in El Paso, Texas, which property is more particularly described as:

Lots: 11 & 12, Block 112, Campbell

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Adolfo J. & Alexandro Avila, 8445 New Haven Drive, El Paso, Texas 79907, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Aloe Vera Lane - from the south property line of Helen Of Troy Drive to the end of cul-de-sac

Mescal Lane - from the south property line of Helen Of Troy Drive to the end of cul-de-sac

Prickley Pear Drive - from the south property line of Helen Of Troy Drive to the southeast property line between Lots 37 and 38, Block 83, and from the southeast property line between Lots 37 and 38, Block 83 to the south property line of Helen Of Troy Drive

Petaya Lane - from the south property line of Helen Of Troy Drive to the end of cul-de-sac

Sotol Court - from the east property line of Nardo Goodman Drive to the end of cul-de-sac

Nardo Goodman Drive - from the south property line of Helen Of Troy Drive to the northwest subdivision boundary line

Drainage Improvements:

Storm Drainage System - Located at Helen Of Troy Drive; 1-2 Grate Drop Inlet Type I; 2-3 Grate Drop Inlet Type I; 2-6 Grate Drop Inlet Type I; 544.5 ft. of 48" R.C.P.; 228.9 ft. of 36" R.C.P.; and 2-Junction Box/72" Manholes

Aloe Vera Lane - 287.13 ft. of 48" R.C.P.; 127.37 ft. of 42" R.C.P.; and 2-Junction Box/72" Manholes

*Motion made, seconded and unanimously carried to delete the request for authorization to allocate \$2,000 from District 2 Discretionary Funds to the Fire Department and Local 51 to assist with a Christmas Event in central and northeast El Paso.

* Motion made, seconded and unanimously carried to delete the request for authorization to allocate \$1,000 from District 8 Discretionary Funds to the Fire Department and Local 51 to assist with a Christmas Event in Southwest El Paso.

*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Judy Sarabia, Grant Specialist

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Human Resources

Add	1.00	Accounting Technician	GS20
Delete	1.00	Personnel – Payroll Coordinator	GS20

*Motion made, seconded and unanimously carried to appoint Sofia C. Ordoñez to the Mayor's Advisory Board on Aging by Representative Paul J. Escobar, District 6.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C050-999-2280-0100, \$501.60 per month installments on a balance of \$3,009.60 for 2002 taxes; Robert & Lee Byrd – 701 Texas.
- B. PID #C340-999-1010-2100, \$235.90 per month installments on a balance of \$2,830.80 for 2002 taxes; Cesar J. Cardona – 6852 Amposta Dr.
- C. PID #C818-999-0630-3700, \$219.06 per month installments on a balance of \$2,628.72 for 2002 taxes; Samuel A. & Velia P. Gurrola – 619 De Leon Dr.
- D. PID #E207-999-0090-1300, \$243.29 per month installments on a balance of \$4,379.22 for 2000, 2001 & 2002 taxes; Angela Estrada – 7929 Bois D'Arc Dr.
- E. PID #'s M436-999-0130-4101, M436-999-0130-4900 & M436-999-0130-5700, \$560.61 per month installments on a balance of \$6,727.32 for 2000, 2001 & 2002 taxes; Socorro & Maria E. Gomez – 3307 Piedras.
- F. PID #M473-999-0330-7700, \$1,774.24 per month installments on a balance of \$10,645.44 for 1994, 1995, 1996, 1997, 1998, 1999, 2000 & 2001 taxes; Jose E. Anaya & Ruben Guerrero - 364 – 366 Santa Fe.
- G. PID #M851-999-0190-6400, \$529.51 per month installments on a balance of \$6,354.12 for 1999, 2000, 2001 & 2002 taxes; Ramon Flores – 4906 Tetons Dr.
- H. PID #S059-000-0020-1000, \$119.08 per month installments on a balance of \$2,143.44 for 2000, 2001 & 2002 taxes; Cruz Ruvalcaba – 10255 Ron.
- I. PID #S127-999-0190-2900, \$594.29 per month installments on a balance of \$7,131.48 for 1999, 2000 & 2001 taxes; Arturo Marquez – 11452 Lake Nemi.
- J. PID #'s S533-000-0200-0600 & S533-000-0200-11H0, \$341.94 per month installments on a balance of \$4,103.28 for 1999, 2000, 2001 & 2002 taxes; Carlos Trujillo – Carbajal.
- K. PID #'s T109-999-0170-5200 & W813-999-0180-2900, \$236.45 per month installments on a balance of \$2,837.40 for 2002 taxes; Ray & Maria E. Peregrino – 934 Marlow Rd.
- L. PID #X012-999-M000-0225, \$2,100.92 per month installments on a balance of \$12,605.52 for 1998, 1999, 2000 2001 & 2002 taxes; J. A. Cardwell Sr. – 8836 Montana.

Department: Public Safety Technology
Account No: Various
Funding Source: Various
Amount: \$22,000.00 Estimated

Award to: Huntington T. Block Insurance Agency
San Francisco, Ca

Item (s): All

Amount: \$34,668.00 (estimated annually)

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary and the Mayor to execute and to proceed.

Contractor:	Asphalt Pavers, Inc.
	El Paso, Texas
Department:	Streets
Funds Available:	32000-32010200-01101-502227
Funding Source:	General Funds
Items:	1A, 1B, 1C, 2A, 2B and 2C \$488,775.00 (estimated)
Total Award:	\$488,775.00 (estimated)

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-077 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase furniture for the Aquatics Division.

Increase	\$3,800	to	51010281/P50020316303/407001	Est Rev
Increase	\$3,800	to	51010281/P50020316303/508009	Furniture

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-219 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase tables and chairs for the expanded Multipurpose Center. This renovated center scheduled to open in the Spring of 2004 will furnish the center with funds available in fund balance.

Increase	\$31,800	to	51510032/P50022516325/407001	Est Rev
Increase	\$31,800	to	51510032/P50022516325/508009	Furniture

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-239 PARKS & RECREATION

Set up new grant from Texas Forest Service.

Increase	\$8,340	to	51150075/G51030207300/406001	State Proc
Increase	\$8,340	from	51150075/G51030207300/502214	Trng Cont

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-247 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,721	to	51159242/P51800085816336/405072	PrkldDedFees
Increase	\$ 1,721	to	51159242/P51800085816336/508004	PubUseFac
Increase	\$28,200	to	51159242/P51800083616175/405072	PrkldDedFees
Increase	\$28,200	to	51159242/P51800083616175/508004	PubUseFac
Increase	\$ 3,005	to	51159242/P51800082416163/405072	PrkldDedFees
Increase	\$ 3,005	to	51159242/P51800082416163/508004	PubUseFac

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-248 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$26,400	to	51159242/P51800005316027/405072	PrkldDedFees
Increase	\$26,400	to	51159242/P51800005316027/508004	PubUseFac
Increase	\$ 1,418	to	51159242/P51800085816336/405072	PrkldDedFees
Increase	\$ 1,418	to	51159242/P51800085816336/508004	PubUseFac

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-249 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,047	to	51159242/P51800014316117/405072	PrkldDedFees
Increase	\$ 1,047	to	51159242/P51800014316117/508004	PubUseFac
Increase	\$ 1,600	to	51159242/P51800083116170/405072	PrkldDedFees
Increase	\$ 1,600	to	51159242/P51800083116170/508004	PubUseFac
Increase	\$16,500	to	51129424/P51800085116191/405072	PrkldDedFees
Increase	\$16,500	to	51129424/P51800085116191/508004	PubUseFac

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-250 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,800	to	51159242/P51800080916148/405072	PrkldDedFees
Increase	\$ 1,800	to	51159242/P51800080916148/508004	PubUseFac
Increase	\$13,165	to	51159242/P51800005316027/405072	PrkldDedFees
Increase	\$13,165	to	51159242/P51800005316027/508004	PubUseFac
Increase	\$ 6,010	to	51159242/P51800010616080/405072	PrkldDedFees
Increase	\$ 6,010	to	51159242/P51800010616080/508004	PubUseFac

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-251 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 300	to	51159242/P51800011116085/405072	PrkldDedFees
Increase	\$ 300	to	51159242/P51800011116085/508004	PubUseFac
Increase	\$13,920	to	51159242/P51800015516129/405072	PrkldDedFees
Increase	\$13,920	to	51159242/P51800015516129/508004	PubUseFac
Increase	\$ 4,819	to	51159242/P51800086116201/405072	PrkldDedFees
Increase	\$ 4,819	to	51159242/P51800086116201/508004	PubUseFac

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-252 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$18,500	to	51159242/P51800083616175/405072	PrkldDedFees
Increase	\$18,500	to	51159242/P51800083616175/508004	PubUseFac
Increase	\$ 100	to	51159242/P51800083616175/405072	PrkldDedFees
Increase	\$ 100	to	51159242/P51800083616175/508004	PubUseFac
Increase	\$ 300	to	51159242/P51800081416153/405072	PrkldDedFees
Increase	\$ 300	to	51159242/P51800081416153/508004	PubUseFac

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-253 MUNICIPAL CLERK

Establish appropriation for the purchase of a recording system, a web inquiry customization, and printer cartridges.

Increase	\$60,000	to	11153060/PMC000116011/508010	DataProcEq
Increase	\$60,000	to	11153060/PMC000116011/404059	MuniCtFeeCol

.....
Motion made, seconded and unanimously carried to move to the regular agenda the BT2004-256 BUILDING & PLANNING SERVICES.

Representative Cushing requested clarification.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained the distribution of the money and noted that the coordination of Quality of Life bond projects were under the direction of the Building & Planning Services Department.

Ms. Carol Brey-Casiano, Director of Libraries, commented on the distribution of the money from fiscal years 2004 and 2005 to be utilized for library books.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, noted that the Building & Planning Services Department monitored Capital Improvement and Quality of Life project funding issues.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to approve budget transfer BT2004-256 BUILDING & PLANNING SERVICES.

Representative Escobar was not present for the vote.

Building and Planning Services proposes to appropriate \$3,963,000 to fund the purchase of books and library materials. Funding source is 2000 QOL bonds.

Increase	\$3,963,000	to	31130563/PPW0056003YR260005/508039	LibBkhdbrk
Increase	\$3,963,000	to	31130563/PPW0056003YR260005/407020	Bond Proc

.....
Motion made, seconded and unanimously carried to move to the regular agenda BT2004-257 BUILDING & PLANNING SERVICES.

Representative Rojas asked questions of City staff.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained that the money was for the construction of the Lower Valley Branch library.

Ms. Carol Brey-Casiano, Director of Libraries, provided information regarding the funding of the project.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-257 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$2,622,000 to fund the construction phase of the Lower Valley Branch (San Jose). Funding source is 2000 QOL bonds.

Increase	\$2,355,000	to	31130562/PPW0056006YR260004/508027	Construction
Increase	\$ 41,000	to	31130562/PPW0056006YR260004/508026	Inspection
Increase	\$ 88,000	to	31130562/PPW0056006YR260004/508024	Testing
Increase	\$ 138,000	to	31130562/PPW0056006YR260004/508009	Furn&Fixt
Increase	\$2,622,000	to	31130562/PPW0056006YR260004/407020	BondProc

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-265 OFFICE OF MANAGEMENT AND BUDGET

Establishing appropriations required for purchase of laptops and wireless capability for BPI Field Personnel.

Increase	\$85,000	to	04102008/P54000827131/508010	CompEq
Increase	\$85,000	to	04102008/P54000827131/407002	EstRev

.....
*Motion made, seconded and unanimously carried to approve request of the Sun Bowl Association to hold a 5k run/walk and 1-mile fun walk on December 30, 2003 from 2:00 p.m. to 2:45 p.m. Route: Start at 3124 Sun Bowl Drive to 2900 Sun Bowl Drive. Approximately 150 persons will take part and 50 spectators are anticipated. This request includes permission to use amplification (1 P.A. system) PERMIT NO. 03-196
[Bernie Olivas]
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Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 014265 which annexed a portion of Section 45, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to correct the number of acres that were annexed.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ELECTRONIC TECHNICIAN**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **TRAFFIC SIGNAL TECHNICIAN**.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **TRAFFIC SIGNAL MAINTENANCE SUPERVISOR**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **POLICE OFFICER**.
- F. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 15, Suspension, Reduction and Discharge, Section 3, Notice of Proposed Disciplinary Action, Procedure and Limitation of Action, to Amend the Disciplinary Procedures.
- G. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.180 (Regulations Pertaining to Certain Special Situations) of the El Paso Municipal Code to Add a Fee Schedule for Parking Meter Rentals.
- H. An Ordinance Amending Title 15 (Public Services), Chapter 12 (Water and Sewer System) Section 15.12.050 (A)(5) of the City of El Paso Municipal Code to Revise Storm Drain Work or Construction Permit Application Fees.
- I. An Ordinance Amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.150 (Appendix A, Fee Schedule-Amended) to Increase the Fees under Table A101 Permit Fee Schedule; to Obtain Assembly Permits, Hazardous Chemicals Permits, High-Piled Combustible Storage Permits, Fire Inspection Fees and Hazmat Fees. The Penalty Being as Provided in Sections 1.08.010 to 1.08.030 of the El Paso Municipal Code.

- J. An Ordinance Amending Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.90 (Security Alarm Systems), Section 5.90.020 (Permit-Required) to Increase the Fee to Obtain an Alarm System Permit. The Penalty Being as Provided in Sections 1.08.010 to 1.08.030 of the El Paso Municipal Code.
- K. An Ordinance Amending Title 15 (Public Services), Chapter 12 (Water and Sewer System) Section 15.12.055 (C) Permit Fee of the City of El Paso Municipal Code to revise the Fee for a Petroleum-Contaminated Water Discharge Permit.
- L. An Ordinance Amending Ordinance Nos. 15167, 15006, 12909, 12141, and 10739, to Revise the Fee Schedule and Overdue Fines Charged by the El Paso Public Library.
- M. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.44 (Courts), by amending Section 244.090 (Court Costs) in order to implement changes made to the Texas Code of Criminal Procedure which allow the Municipal Court Technology Fund to be used for the maintenance of technological enhancements for the City of El Paso Municipal Courts and repeals the pertinent sunset provision.
- N. An Ordinance amending resolution adopted September 19, 1974, which is a lease between the City of El Paso and El Paso County Humane Society, Inc., to amend the term of the lease.
- O. An Ordinance amending Title 6, Vehicles For Hire, of the El Paso City Code, Sections 6.12.050, 6.12.090, 6.16.090(D), 6.16.120, 6.20.050, 6.28.040(A), 6.28.040(B), 6.32.030, 6.32.130, and 6.36.040(A) increasing fees. The Penalty being as provided in Section 1.08.010 of the El Paso City Code.
- P. An Ordinance Amending Title 20, Zoning, Chapter 20.04, Administrative Provisions, Article X. Fees, Section 20.04.551 (Fee-Zoning Verification Requests), Section 20.04.551.2 (Fee-Request for High Screening Wall), Section 20.04.551.3 (Fee-Request to Rescind Mandatory Wall Requirement) and Section 20.04.552 (Classification of Use) of the El Paso Municipal Code, to increase fees. The penalty is as provided by Section 20.68.010 of the El Paso Municipal Code.
- Q. An Ordinance Amending Title 2, Administration and Personnel, Chapter 2.16, Zoning Board of Adjustment, Section 2.16.060.A, Administration, of the El Paso Municipal Code to increase application fees. The penalty is as provided by Section 20.68.010 of the El Paso Municipal Code.
- R. An Ordinance Amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations), Section 13.08.030 (Permit--Fees--Deposit Required), of the El Paso Municipal Code, to revise the excavation permit fee.
- S. An Ordinance Amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations) Section 13.08.160 (Charges For Work Done By City) of the El Paso Municipal Code to amend the charges for excavation work to be performed by the City.

PUBLIC HEARING WILL BE HELD ON TUESDAY, JANUARY 6, 2004 FOR ITEMS A – S

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Ordinance content for item "S" was revised.

AYES: Representatives Cushing, Cook, Escobar, and Cobos
NAYS: Representative Austin
NOT PRESENT: Representatives Lozano and Rojas

Mayor Joe Wardy concurred with comments made by Mr. Silva and explained that the City would be presenting a proposal regarding improvements.

Representative Cushing requested that a comprehensive plan be composed for the Council's information prior to the January 6, 2004, public hearing date.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

PUBLIC HEARING WILL BE HELD ON TUESDAY, JANUARY 6, 2004

*Motion made, seconded and unanimously carried to delete the Introduction of an Ordinance Amending Title 6, Vehicles for Hire, of the El Paso City Code, Sections 6.12.050, 6.28.040B, 6.32.130 A, and 6.36.040A Increasing Fees. The Penalty being as provided in Section 1.08.010 of the El Paso City Code.

AYES: Representatives Cushing, Lozano and Cook
NAYS: Representatives Austin, Escobar, Rojas and Cobos

Motion to postpone failed.

Motion made by Representative Rojas, seconded by Representative Cobos and carried to deny the appeal by Mario Hernandez of First Class Investments, Inc. for Beer Fast at 1765 N. Lee Trevino Suite D on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code.

AYES: Representatives Austin, Cushing, Escobar, Rojas and Cobos
NAYS: Representatives Lozano and Cook

Motion to approve passed.

Mr. Alan Shubert, Director of Building Permits and Inspections, provided explanation pertaining to the denial of the license for the sale of alcoholic beverages license for the sale of alcoholic beverages.

Representative Rojas moved to approve the denial. Representative Cobos seconded.

Representatives Lozano, Austin, Cobos, Escobar and Cook asked questions of City staff and made remarks.

Mr. Mario Hernandez, business owner, commented.

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*Motion made, seconded and unanimously carried to delete the following Resolution:

1. That the City of El Paso Food Assistance Program to provide food to qualified individuals in the City is hereby established and shall be carried out to the extent that funding may be available for such purpose.
2. That those persons who are eligible to participate in the food stamp program administered under Chapter 33, Texas Human Resources Code and senior citizens (age 65 and over) who are eligible for Medicare and Medicaid, shall be qualified to receive food under the Program.
3. That the Mayor be authorized to sign a volunteer services agreement with Local 51, International Association of Firefighters to implement the Food Assistance Program through January 31, 2004 as negotiated and approved by the City Attorney.

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No action was taken regarding City and County properties located at or near the following addresses: 222 S. Campbell; 215 S. Campbell; 200 S. Campbell; 211 and 325 Shelter; 800-810 E. Overland; 821 E. Overland; 6314 Delta; and 1014 Stanton.

Mr. Jim Martinez, Chief Administrative Officer, noted that negotiations with the County were ongoing.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks, until the City Council Meeting scheduled for Tuesday, January 20, 2004, an Ordinance creating Tax Increment Financing District Number Four (No. 4), City of El Paso (50 acre site on the Southeast corner of Viscount and Hawkins Blvd.); making Findings Of Fact concerning the conditions of blight, residential property and assessed valuation within said District; creating a Tax Increment District Board of Directors and defining the powers, duties and terms of office thereof; providing for submission of a plan of improvements for said District; providing for duties of the Tax Assessor; setting the boundaries for said District; and providing a Severability Clause.

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ORDINANCE 15640

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF A SIXTEEN FOOT WIDE ALLEY WITHIN BLOCK 91, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. George Sarmiento, Director of Planning, Research and Development, provided explanation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15641

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00051, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 8B AND A PORTION OF TRACT 5G, BLOCK 11, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SOUTH OF BORDERLAND ROAD AND EAST OF STRAHAN ROAD) PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Director of Planning, Research and Development, explained the setback requirements and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar and Rojas
NAYS: None Absent: Council Member Power

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone two (2) weeks, until the City Council Meeting scheduled for Tuesday, January 6, 2004, an Ordinance changing the zoning of Tract 10, Section 9, Block 81, TSP 2, T & PRRC SURVEYS, El Paso, El Paso County, Texas (Hondo Pass Drive east of Hyde Park Place) from A-M (Apartment-Mobile Home Park) to C-1 (Commercial). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00062. Applicant: Housing Authority of the City of El Paso/ Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

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ORDINANCE 15642

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY DELETING SECTIONS 20.10.040(N), 20.10.080(3), 20.12.040(K), 20.12.080(2), 20.14.040(K), 20.14.080(3), 20.18.060(J), 20.20.040(H), 20.20.080(3), 20.22.040(G), 20.22.080(3), 20.24.040(G), 20.24.080(3), 20.28.040(G), 20.28.080(3), 20.30.040(G), 20.30.080(A), 20.32.040(J), 20.32.080(5), 20.36.040(E), 20.36.080(C), 20.38.040(A), 20.38.080(C), 20.40.040(A), 20.40.080(D), 20.42.040(A), 20.42.080(D), 20.52.060(D), 20.52.210(A), 20.54.060(F), 20.54.165(1), 20.56.060(F), 20.56.165, 20.61.090(B), AND 20.61.060(D), EACH REQUIRING A SPECIAL PERMIT FOR A CHURCH ON A SITE LESS THAN THREE ACRES. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Fred Lopez, Planning Research and Development, responded to Representative Austin's questions.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15643

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00063 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS A PORTION OF LOT 1 & LOTS 2 - 8, BLOCK 6, HUGHES SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (701 N. GLENWOOD); BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS PORTIONS OF LOTS 14 & 15 AND LOTS 16 & 27, BLOCK 7; AND PARCEL 3, DESCRIBED AS LOTS 25 & 26, BLOCK 8; ALL WITHIN HUGHES SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (5707 MACIAS & 5727 TAMBORO) PURSUANT TO SECTION 20.14.040 OF THE EL PASO MUNICIPAL CODE. ZONE: R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Director of Planning, Research and Development, explained that the Special Permit pertained to additional parking for the San Juan Recreational Center and added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval. He stated that there was no opposition.

Mr. Arturo Diaz, citizen, spoke in opposition, citing concerns about negative affects on his property.

Mr. Ramon Villaverde, Villaverde Incorporated, explained that construction had not yet begun.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15644

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00064, TO ALLOW FOR GOVERNMENTAL USES ON PORTIONS OF LOTS 2 & 3, MUNICIPAL CENTER, EL PASO, EL PASO COUNTY, TEXAS (7958 SAN PAULO) PURSUANT TO SECTIONS 20.12.040 AND 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. ZONE: R-3/SP (RESIDENTIAL/SPECIAL PERMIT) AND R-5/SP (RESIDENTIAL/SPECIAL PERMIT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Director of Planning, Research and Development, explained that the Special Permit was to allow for a library and stated that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval. He added that there was no opposition to the Special Permit request.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Rojas, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks, until the City Council Meeting scheduled for Tuesday, January 20, 2004, an Ordinance changing the zoning of Parcel 1: A portion of Nellie D. Mundy Survey No. 240, Nellie D. Mundy Survey No. 242 and W.H. Glenn Survey No. 241, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), Parcel 2: A portion of Nellie D. Mundy Survey No. 241, Nellie D. Mundy Survey No. 242 and W.H. Glenn Survey No. 241, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions, Parcel 3: A portion of S.J. Larkin Survey No. 264 and S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), Parcel 4: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential), Parcel 5: A portion of Nellie D. Mundy Survey No. 242 and S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), Parcel 6: A portion of Nellie D. Mundy Survey No. 242 and S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions, Parcel 7: A portion of Nellie D. Mundy Survey No. 240 and Nellie D. Mundy Survey No. 242, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential) and imposing certain conditions, Parcel 8: A portion of Nellie D. Mundy

Survey No. 242, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential) and imposing certain conditions, Parcel 9: A portion of Nellie D. Mundy Survey No. 242 and S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions, Parcel 10: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment/Office), Parcel 11: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions, Parcel 12: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential), and Parcel 13: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential) and imposing certain conditions. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Colony Development, LP; Hunt El Paso Investment, Ltd.; and Hillview / Representative: Conde, Inc.; 1790 Lee Treviño Drive, Suite 400, El Paso, TX 79936. ZON03-00046

Ms. Richarda Duffy Momsen, City Clerk, distributed copies of the new Ordinance language to Council (on file in the City Clerk's office).

Mr. Fred Lopez, Planning, Research and Development, explained that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had made recommendations and placed conditions on the proposed zoning change request and read them into the record. He noted that there was no opposition to the Ordinance and answered questions from and responded to comments made by the Council Members.

Representative Cushing requested that the Ordinance language specify that the trees be suitable for water conservation efforts.

Representative Cobos requested the Ordinance be postponed. There was no second.

Representatives Rojas, Austin, Lozano, Cook asked questions of City staff and made remarks.

Mayor Joe Wardy commented.

Ms. Risher Gilbert, attorney presenting Colony Development, LP, answered questions from the Council Members and added remarks.

Mr. Conrad Conde, representing applicant, answered questions from the Council Members and added remarks.

Representative Cobos requested "that the City Council approve the Site Plan" language be included in the Ordinance.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

Representative Cobos moved to postpone the item for four weeks or until the January 20, 2004, City Council meeting. Representative Lozano seconded.

Representative Cobos withdrew his motion to allow Representative Cook the opportunity to speak.

Representative Cook requested that a requirement for City Council approval of the Site Development Plan be written into the Ordinance.

Mr. Watson responded that as per the State of Texas statute, the City Plan Commission makes the final decision regarding Site Development Plans.

Representative Cobos moved to postpone the item four weeks. Representative Lozano seconded.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks, until the City Council Meeting scheduled for Tuesday, January 6, 2004, an Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Wal-Mart Store East, Inc. for the purpose of granting each party certain easement rights and to undertake certain obligations in connection with a portion of Lot 5, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas and a portion of Tract 3, Block 1, Ascarate Grant, City of El Paso, El Paso County Texas.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks, until the City Council Meeting scheduled for Tuesday, January 20, 2004, a public hearing to determine if the property located at 160 Newman St., aka 1400-1402 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Telles Group Inc., A Texas Corporation, 2120 Myrtle Avenue, El Paso, Texas 79901, have been notified of the violations at this property. Delinquent taxes in the amount of \$1,723.30.

ADDITION TO THE AGENDA

No action was taken on the discussion and action to defer the HUD funded City loans originally for the 501(c)(3) Trinity Coalition (100% grant) on 510 and 523 W. Missouri to allow time for LULAC's 501(c)(3) to attain additional HUD funds to pay off those loans or become a CDBO or apply a new funding program.
[Dr. Patricia Ann Monardes, LULAC]

Dr. Monardes asked the Council to consider deferring the HUD funded City loans.

Representatives Cobos, Austin, and Cushing commented.

Mayor Joe Wardy made remarks.

*Motion made, seconded and unanimously carried to delete the discussion on presentation of research on Tax Freeze Study for El Paso. [Jose Eduardo Chavez Caldera]

No action was taken on the following item: That the El Paso Water Utilities make Conditional Acceptance of the sanitary sewer main at the 3400 Block of McConnell Street. [Jose Guevara]

Mr. Jose Guevara, property owner, provided documents pertaining to the sewer main at the 3400 block of McConnell Street.

Mr. Provencio Guevara, representing property owner, provided additional information and requested that the PSB (Public Service Board) address his concerns.

Mayor Joe Wardy stated that he would bring Mr. Guevara's concerns to the PSB's attention.

Representatives Cushing and Cook commented.

*Motion made, seconded and unanimously carried to delete the request for authorization to allocate \$2,000 from District 3 Discretionary Funds to the Fire Department and Local 51 to assist with a Christmas Event in East Central El Paso.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to reconsider the board appointment of Mitchell Doblado to the El Paso Bond Overview Advisory Committee by Representative Jose Alexandro Lozano, District 3.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone until the City Council Meeting scheduled for Friday, January 2, 2004, the board appointment of

Mitchell Doblado to the El Paso Bond Overview Advisory Committee by Representative Jose Alexandro Lozano, District 3.

Ms. Pat Aauto, Deputy Chief Administrative Officer for Building and Planning Services, commented.

Representative Lozano commented on Mr. Doblado's current appointment to the Parks & Recreation Advisory Board.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to request City staff draft the issuance of an RFP to perform a detailed audit of the delinquent consolidated tax collection functions and to make any necessary budget transfers.

Representative Cook commented on the contract language and requested that the Purchasing Department compose an RFP for an audit on delinquent tax collection functions. Representative Cushing seconded.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that funding for the audit would come from the City's contingency fund. He requested that "and to make any necessary budget transfers" language be included in the Motion.

Representative Cook amended his Motion language.

Representatives Austin and Cushing commented.

Mayor Joe Wardy made remarks.

NOTE: Item was revised to add the word "delinquent".

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:51 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

- A. City and County properties located at or near the following addresses: 222 S. Campbell; 215 S. Campbell; 200 S. Campbell; 211 and 325 Shelter; 800-810 E. Overland; 821 E. Overland; 6314 Delta; and 1014 Stanton (551.072)

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to adjourn the Executive Session at 12:09 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

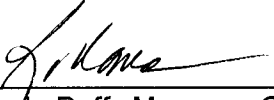
.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone until the City Council Meeting scheduled for Friday, January 2, 2004, the executive session discussion and action on El Paso Entertainment, Inc. (551.071)

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No action was taken regarding City and County properties located at or near the following addresses: 222 S. Campbell; 215 S. Campbell; 200 S. Campbell; 211 and 325 Shelter; 800-810 E. Overland; 821 E. Overland; 6314 Delta; and 1014 Stanton. (551.072)
.....

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:10 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk